

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ASHLEY F. CUMMINGS,

Plaintiff,

v.

**BIGNAULT & CARTER, LLC; W.
PASCHAL BIGNAULT; and LORI A.
CARTER,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

**Civil Action File No.
4:18-cv-00244-WTM-JEG**

**PLAINTIFF’S RESPONSE TO
DEFENDANTS’ MOTION TO APPROVE SETTLEMENT**

COMES NOW Larry Pankey, lead counsel for Plaintiff, and hereby responds to Defendants’ Motion to Approve Settlement.

Previously, the parties believed they had settled this matter and filed a Joint Motion To Approve Settlement Agreement [Dkt. 13]. The Settlement Agreement And Release had been agreed to, and fully-executed by the Plaintiff and the Defendants, with the understanding that Plaintiff’s attorney’s fees were on a contingency fee basis of 40%, plus costs. However, after Plaintiff’s counsel applied his 40% contingency and expenses to the settlement amounts, the Settlement

Agreement And Release was not approved by the Court. The Court then denied the Joint Motion To Approve Settlement Agreement, stating that a fairness assessment needed to be completed before approval.

With apologies to the Court, the delay in resolving this case is because of Plaintiff counsel's attempt to apply his 40% contingency agreement, plus expenses, to the settlement amounts after the case had been settled. However, as Defendants' counsel correctly points out, the settlement amount for the Plaintiff was separately negotiated, including liquidated damages and amounts to complete relief, over and above the time records provided by Defendants.

As set out by Defendants in Defendants' Motion To Approve Settlement [Dkt. 16], Plaintiff's counsel likewise requests that the Settlement Agreement And Release be approved as 1) \$41,646.00 dollars to the Plaintiff, representing both her unpaid overtime and liquidated damages; and 2) \$3,354 dollars to Plaintiff's counsel for attorney's fees and expenses.

In the alternative, if the Court disapproves the settlement, Plaintiff's counsel requests permission to file a Petition For Fees showing his attorney's fees and costs expended to date.

Respectfully submitted this 28th day of March 2019.

PANKEY & HORLOCK, LLC

By: s/ *Larry A. Pankey* .
Georgia Bar No. 560725
Attorneys for Plaintiff
1441 Dunwoody Village Parkway
Suite 200
Atlanta, Georgia 30338-4122
Telephone: 770-670-6250
Facsimile: 770-670-6249
LPankey@PankeyHorlock.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ASHLEY F. CUMMINGS,

Plaintiff,

v.

**BIGNAULT & CARTER, LLC; W.
PASCHAL BIGNAULT; and LORI A.
CARTER,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

**Civil Action File No.
4:18-cv-00244-WTM-JEG**

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed **Plaintiff's Response To Defendants' Motion To Approve Settlement** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Charles Herman
Charles Herman Law
Charles@CharlesHermanLaw.com
Attorneys for Defendants

Dated this 28th day of March 2019.

PANKEY & HORLOCK, LLC

By: /s/ Larry A. Pankey
Georgia Bar No. 560725
Attorneys for Plaintiff
1441 Dunwoody Village Parkway
Suite 200
Atlanta, Georgia 30338-4122
Telephone: 770-670-6250
LPankey@PankeyHorlock.com